

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. – Education (SE) Department – Sri M.V. Krishna Rao, M.E.O. (Retired), Ghantasala Mandal, Krishna District – Convicted by the trial court in a trap case – Dismissed from service – Acquitted by the High Court of A.P. – SLP filed against the acquittal orders is dismissed by the Supreme Court of India – Regularization of the suspension period and the period of dismissal as on duty - Orders – Issued.

EDUCATION [SE-VIG.I(1)] DEPARTMENT

G.O.Rt.No. 803

Dated. 03-11-2011

Read the following:-

1. G.O.Ms.No.2, Edn., dated 28.4.1999.
2. Judgment of High Court dated 16.2.2005 in Crl. Appeal No.s 1265/2998 & 1544/1999.
3. Orders of the Supreme Court of India dated 07.10.2005 in SLP (Criminal) MP No.10679-10680/2005.
4. G.O.Rt.No.635, Edn., [SE-Vig.I(1)] Deptt., dated 19.9.2006.
5. From the C&DSE, Hyd Lr.Rc.No.243/Vig.I/2006-1, dt. 21.4.2011.

ORDER :-

Whereas, consequent on his trap by the A.C.B. on 30.09.1992, Sri M.V. Krishna Rao, MEO, Ghantasala Mandal, Krishna District was placed under suspension vide Proceedings of the District Educational Officer Krishna District date 31.12.1992; and in pursuance of sanction accorded by the Government in G.O.Ms.No.99 Edn, dated 13.04.1993, a charge sheet was filed in the court. The Spl. Judge for SPE & ACB Cases, Vijayawada delivered judgment on 31.8.1998 in C.C.No.14/93 finding the accused officer, guilty of the offence and convicted. Consequent on his conviction, he was dismissed from service vide reference 1st read above. His due date of retirement from service on attaining the age of superannuation is 31.08.2003.

2. And whereas, the A.C.B. has filed Crl. Appeal No.1544/99 in the High Court against the judgment of the trial court, for enhancement of sentence of imprisonment and Sri M.V. Krishna Rao also has filed Crl. Appeal No.1265/98 in the High Court questioning his conviction and sentence in C.C.No.14/93 on the file of Spl. Judge for ACB Cases, Vijayawada. On hearing both the appeals together, the Hon'ble High Court in its judgment in the reference 2nd read above, has set-aside the conviction orders of the trial court and acquitted the A.O. Sri M.V. Krishna Rao.

3. And whereas, the Special Leave Petition filed against the acquittal orders of the High Court of A.P. dated 16.2.2005 was dismissed by the Hon'ble Supreme Court of India in its orders in the reference 3rd read above.

4. And whereas, after considering the case, Government vide reference 4th read above, have released the pensionary benefits of the incumbent w.e.f. 16.02.2005 i.e., the date of his acquittal by the High Court of A.P.

5. The Commissioner & Director of School Education, A.P., Hyderabad in his letter in the reference 5th read above, has stated that individual M.V.Krishna Rao, MEO, Retd has approached the Hon'ble Pension Lok Adhalath, Hyderabad against the orders issued by Government in the reference 4th read above, and requested to issue orders in the matter.

(P.T.O.)

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6. Government after careful examination of the entire matter in detail, observed that Sri M.V.Krishna Rao, the then MEO was placed under suspension vide proceedings of the DEO, Krishna District dated 31.12.1992 and not reinstated till his dismissal. Consequent on his conviction, he was dismissed from service on 28.4.1999. His due date of retirement was on 31.8.2003. His conviction was set aside by A.P. High Court on 16.02.2005. The S.L.P. filed by the State against the orders of the HC of AP was dismissed by the Apex Court on 7.10.2005. Since the High Court has decided his case on merits, the suspension period and the period of dismissal till his date of superannuation would have to be treated as duty as per FR 54-A (3) and (4). He would become eligible for pension and pensioner benefits accordingly.

7. Therefore, the suspension period and the period of dismissal of Sri M.V. Krishna Rao, MEO (Retired), Ghantasala Mandal, Krishna District, till his date of superannuation are hereby treated as duty, as per FR 54-A (3) and (4). He is eligible for pension and pensioner benefits accordingly.

8. The Commissioner & Director of School Education, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. D. SAMBASIVA RAO
PRINCIPAL SECRETARY TO GOVERNMENT (SE)

To
The Commissioner & Director of School Education, A.P., Hyderabad
The individual through Commissioner & Director of School Education,
A.P., Hyderabad.
File.

// FORWARDED :: BY ORDER //

SECTION OFFICER